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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: John Hathaway, et al. Group Art Unit: 3727
Serial No.: 09/800,793 Examiner: Hylton, R.
Filing Date: March 7, 2001 Docket No.: 940-3079-U
Title: SEALING SURFACE FOR PLASTIC
CLOSURE WITH RADIAL SEAL

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Commissioner for Patents
Washington, D.C. 20231

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)

Dear Sirs:

In response to the Notice of Abandonment mailed September 11, 2002, enclosed herewith is a Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b). Included with this Petition is a check for the petition fee under 37 C.F.R. 1.17(m), an Amendment and Response to the First Office Action, and a statement that the entire delay in filing the required response was unintentional. This Petition is being filed within two months from the mailing of the Notice of Abandonment. Applicant respectfully requests that the Petition be granted and the Amendment be considered so as to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-0265.

Respectfully submitted,

Date: 11-12-02

By: 

Robert H. Earp, III

Reg. No. 41,004

McDonald, Hopkins, Burke & Haber Co., L.P.A.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
940-3079-U

First named inventor: **JOHN HATHAWAY**

Application No.: **09/800,793**

Art Unit: **3727**

Filed: **MARCH 7, 2001**

Examiner: **HYLTON, ROBIN ANNETTE**

Title: **SEALING SURFACE FOR PLASTIC CLOSURE WITH RADIAL SEAL**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1,280.00** (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of **AMENDMENT & RESPONSE TO FIRST OFFICE ACTION** (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$_____

- ☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

11/12/02

Date

Signature

Telephone

Number: (216) 430-2003

Robert H. Earp, III

Typed or printed name

Mcdonald, Hopkins, Burke & Haber LPA

Address

2100 Bank One Center, 600 Superior Avenue

Cleveland, Ohio 44114

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____RECEIVED
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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

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Date

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